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From: Beak, Doug

To: Jackson, Suzanne

Delivered Date: 09/25/2014 07:57 AM EDT

Subject: FW: Lotus Notes emails responsive to FOIA EPA_HQ-2014-008306

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----- Forwarded by Doug Beak/ADA/USEPA/US on 09/24/2014 02:12 PM -----

From: Michael Overbay/R6/USEPA/US
To: "Chris Hill (Regulatory)" <chris.hill@chk.com>
Cc: David Jewett/ADA/USEPA/US@EPA, John Satterfield <john.satterfield@chk.com>, Stephen Hess/DC/USEPA/US@EPA, Susan Mravik/ADA/USEPA/US@EPA, Doug Beak/ADA/USEPA/US@EPA
Date: 09/19/2012 10:31 AM
Subject: RE: Insurance language for the access agreement

That's great news Chris. I will get the final edits wrapped up and we can get the ball rolling on finalizing this now. I will be in the field the rest of the week, but will get it finalized ASAP.

Michael Overbay, P.G.
Regional Ground Water Center Coordinator
U.S. Environmental Protection Agency - Region 6
(214)665-6482
(214)665-2191 (FAX)

☐ "Chris Hill (Regulatory)" ---09/18/2012 04:15:24 PM---Hi Mike, I apologize for the delay. CHK approves the clarifications to Section 6. Please let me know

From: "Chris Hill (Regulatory)" <chris.hill@chk.com>
To: Michael Overbay/R6/USEPA/US@EPA
Cc: John Satterfield <john.satterfield@chk.com>, Susan Mravik/ADA/USEPA/US@EPA, Stephen Hess/DC/USEPA/US@EPA, David Jewett/ADA/USEPA/US@EPA
Date: 09/18/2012 04:15 PM
Subject: RE: Insurance language for the access agreement

Hi Mike,

I apologize for the delay. CHK approves the clarifications to Section 6. Please let me know if you have any additional questions.

Thanks,
Chris

From: Michael Overbay [<mailto:Overbay.Michael@epamail.epa.gov>]
Sent: Wednesday, September 12, 2012 3:14 PM
To: Chris Hill (Regulatory)
Cc: John Satterfield; Susan Mravik; Stephen Hess; David Jewett
Subject: Fw: Insurance language for the access agreement

Hi Chris,

Below is the response from E&E indicating that they did not have any comments on the changes Chesapeake has made to the insurance exhibits, so that seems complete. They did add a clarification to the Section 6 file that indicates that the surveyor's and downhole geophysics companies professional liability insurance will be treated the same as the workers compensation insurance policies.

If these minor mods are acceptable, we can get this finalized, possibly tomorrow. They also provided some of the requested insurance specimens. Attachments are at the bottom of the email string.

Mike

Michael Overbay, P.G.
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----- Forwarded by Michael Overbay/R6/USEPA/US on 09/12/2012 03:07 PM -----

From: Stephen Hess/DC/USEPA/US
To: "Mullaney-Westfall, Colleen" <CMullaneyWestfall@ene.com>
Cc: Michael Overbay/R6/USEPA/US@EPA
Date: 09/12/2012 01:57 PM
Subject: RE: Insurance language for the access agreement

Thanks Colleen. I don't think Chesapeake will have any objections. We are getting Close. Steve.

Stephen Hess
U.S. EPA, Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Room 7426 C, Mail Code 2399A
Washington, D.C. 20460
Phone: 202-564-5461

From: "Mullaney-Westfall, Colleen" <CMullaneyWestfall@ene.com>
To: Stephen Hess/DC/USEPA/US@EPA
Cc: Michael Overbay/R6/USEPA/US@EPA
Date: 09/12/2012 02:28 PM
Subject: RE: Insurance language for the access agreement

Stephen,
I made a couple of small revisions to Section 6 with tracked changes. I also attached a revised specimen insurance certificate and the copies of the applicable endorsements that Chesapeake wanted to see. I do not have any further comments on the actual exhibits.
Let me know if you need anything else.
Thank you.
Colleen

Colleen C. Mullaney-Westfall, Esq.
Assistant Secretary
Ecology and Environment, Inc.
368 Pleasant View Drive
Lancaster, New York 14086
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From: Stephen Hess [<mailto:Hess.Stephen@epamail.epa.gov>]
Sent: Wednesday, September 12, 2012 11:49 AM
To: Mullaney-Westfall, Colleen
Cc: Michael Overbay
Subject: Fw: Insurance language for the access agreement

Colleen - Per our conversation. Thanks. Steve.

Stephen Hess
U.S. EPA, Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Room 7426 C, Mail Code 2399A
Washington, D.C. 20460
Phone: 202-564-5461

----- Forwarded by Stephen Hess/DC/USEPA/US on 09/12/2012 11:45 AM -----

From: "Chris Hill (Regulatory)" <chris.hill@chk.com>
To: Michael Overbay/R6/USEPA/US@EPA
Cc: John Satterfield <john.satterfield@chk.com>, Stephen Hess/DC/USEPA/US@EPA, Susan Mravik/ADA/USEPA/US@EPA
Date: 09/11/2012 05:08 PM
Subject: RE: Insurance language for the access agreement

Mike,

Per our discussion last Friday, CHK has redlined the insurance language you provided (attached). Additionally, I would like to point out the certificate of insurance for E&E needs to be amended to include the additional insured and waiver of subrogation requirements for CHK.

Please let me know if you have any questions. I look forward to seeing these revision the complete Agreement.

Thanks,
Chris

From: Michael Overbay [<mailto:Overbay.Michael@epamail.epa.gov>]
Sent: Friday, September 07, 2012 1:06 PM
To: Chris Hill (Regulatory)
Cc: John Satterfield; Stephen Hess; Susan Mravik
Subject: Insurance language for the access agreement

Hi Chris,

For our discussion this afternoon, attached is a proposed revision to section 6 of the access agreement regarding insurance. We would like to reduce the language contained here, and include the two exhibits which will be part of the request for proposals for the drilling contractor and for the professional services contractors (i.e., the surveyor and downhole geophysical logger). This will let you see exactly what we are requiring of the subcontractors as part of the solicitation process.

We will require the drilling subcontractor to have pollution liability coverage and \$10 million in liability coverage. These will not apply to the other contractors. We will require them to name Chesapeake Operating as an additional insured and provide a waiver of subrogation on the appropriate policies.

Also, here is a copy of the current insurance cert from Ecology & Environment, which they will have modified to include Chesapeake Operating as an additional insured and provide a waiver of subrogation on the appropriate policies once we reach closure on this agreement.

Regards,

Mike

Michael Overbay, P.G.
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To: Chris Hill <chris.hill@chk.com>, john.satterfield@chk.com
Cc: Susan Mravik/ADA/USEPA/US@EPA, Doug Beak/ADA/USEPA/US@EPA, David Jewett/ADA/USEPA/US@EPA, Jeanne Briskin/DC/USEPA/US@EPA, William Honker/R6/USEPA/US@EPA, Wren Stenger/R6/USEPA/US@EPA, Stephen Hess/DC/USEPA/US@EPA, Steven Acree/ADA/USEPA/US@EPA, Randall Ross/ADA/USEPA/US@EPA
Date: 09/27/2012 08:59 AM
Subject: Final draft access agreement

Hi Chris and John,

I have made what I hope are the final changes to the access agreement and cleared them with OGC. The access agreement and the two insurance exhibits (C & D) are attached for your final approval. Exhibits A (CHK's agreement with the surface owner) and B (property description) to the agreement will need to be provided by CHK.

(See attached file: Exhibit D Professional Services subcontractor requirements 09-25-12 FINAL.docx)(See attached file: EPA Chesapeake access agr-clean 9-25-12 FINAL.DOCX)(See attached file: Exhibit C Drilling Subcontractor requirements 09-25-12 FINAL.docx)

I made slight changes to the access agreement in that:

1. I expanded the title
2. I changed section 6 to refer to "professional services subcontractors" rather than "all other subcontractors," to be consistent with the language used in Exhibit D, which CHK had approved.
3. I added a section 14 to list the exhibits to the agreement.

I made no changes to Exhibits C and D other than to label them C and D and accept all changes.

If you are comfortable with the agreement and the insurance information for our prime contractor (Ecology and Environment) that I provided by my E-mail on September 12, 2012, please add exhibits A and B and send it back to me; then we will get it into the signing process.

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Date: 10/17/2012 02:00 PM
Subject: Access agreement - definition of "Professional Services Subcontractor"

Hi Chris,

Based on our discussion last week about CHK's concern that your contracting department has previously defined the term "professional services subcontractor," for internal use in a manner which may be inconsistent with the use in our draft access agreement, I have drafted a proposed definition of the term for us to include in our document:

For the purposes of this agreement, *Professional Services Subcontractor* shall include those subcontractors who shall be conducting site activities which generate data or information to be used for scientific purposes, e.g., surveyors or geophysical logging services. The term does not include subcontractors who provide non-data generating services, e.g., caterers.

I have pre-cleared this with the EPA Office of General Counsel and our contractor's legal department. Please let me know if this is an acceptable resolution to CHK's concerns.

Also, have you any response yet to my request on Monday regarding the availability of a potential replacement site due to the construction of the Sand Ridge well just 1/4 mile away from our site?

Regards,

Mike

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Date: 10/30/2012 04:51 PM
Subject: EPA Prospective Study Conf Call

I have schedule this meeting to ensure we continue forward progress regarding the EPA/CHK Prospective Study. The proposed topics of discussion are identified in the agenda below.

Agenda

- Site Selection
- QAPP Development
- Access Agreement

Please let me know if you have any questions prior to the conference call. I look forward to our discussion.

Thank you,
Chris Hill
Environmental Engineer
Chesapeake Energy Corporation
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Mobile: (405) 388-3907
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From: Susan Mravik/ADA/USEPA/US
To: chris.hill@chk.com
Cc: Doug Beak/ADA/USEPA/US@EPA, Michael Overbay/R6/USEPA/US@EPA, David Jewett/ADA/USEPA/US@EPA
Date: 11/09/2012 12:58 PM
Subject: Draft QAPP's for Prospective Case Study

Chris,

As discussed in our call yesterday, attached are the draft QAPP's that have been developed for the prospective case study. Also, here is the link to the HF web site where you can find the QAPP's used for the retrospective case studies:

<http://www.epa.gov/hfstudy/qapps.html>

Please let me know if you have any questions. Thanks, Susan

(See attached file: EPA CHK Case Study QAPP working copy 121611 (CHK Comments 1-6-2012).docx)(See attached file: Revised September_EPA Phase I QAPP-Mississippian Limestone_091012.pdf)

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